REAUTHORIZATION OF THE SIKES ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

H.R. 1952

AN ACT AUTHORIZING APPROPRIATIONS TO CARRY OUT CONSERVATION PROGRAMS ON MILITARY RESERVATIONS AND PUBLIC LANDS DURING FISCAL YEARS 1982, 1983, AND 1984, AND FOR OTHER PURPOSES

FEBRUARY 8, 1982

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CONTENTS

WITNESSES

	Page
Hayden, Wes, legislative counsel, International Association of Fish and Wildlife Agencies	3
Prepared statement	19
Jantzen, Robert, Director, Fish and Wildlife Service	1
Prepared statement	6
Responses to written questions	14
Peterson, Max, Chief, National Forest Service	2
Prepared statement	17
Additional material: H.R. 1952, reprint of	21

REAUTHORIZATION OF THE SIKES ACT

MONDAY, FEBRUARY 8, 1982

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION,
Washington, D.C.

The subcommittee met at 11:43 a.m., in room 4200, Dirksen Senate Office Building, Hon. Slade Gorton (chairman of the subcommittee) presiding.

Present: Senator Gorton.

Senator GORTON. We will now go on to H.R. 1952, the Sikes Act Reauthorization.

Mr. Jantzen, you have a statement on that. If you can summarize your entire written proposal will be included.

Mr. Peterson and Mr. Hayden can come up and join Mr. Jantzen at the witness table at this point.

Please proceed.

STATEMENTS OF ROBERT JANTZEN, DIRECTOR, FISH AND WILDLIFE SERVICE, MAX PETERSON, CHIEF, NATIONAL FOREST SERVICE, AND WES HAYDEN, LEGISLATIVE COUNSEL, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. JANTZEN. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you and offer testimony on the Sikes Act.

The Fish and Wildlife Service strongly supports the program of cooperative State fish and wildlife management, which is fostered by the Sikes Act. We do not object to an extension of the expired authorization for appropriations. However, it would not be necessary because we feel we have other existing authorities under which funds can be made available.

Title I of the act authorizes the Service to assist the Department of Defense in planning, developing, maintaining, and coordinating fish and wildlife restoration, rehabilitation, and public recreation programs on military reservations. Such programs are to be carried out in accordance with a cooperative plan mutually agreed upon by the Defense Installation Commander, the appropriate State conservation agency and the Service.

Similarly, title II of the law authorizes conservation and rehabilitation programs on lands administered by the Department of Energy, NASA, Forest Service, and the Bureau of Land Management.

The Service's work with the Department of Defense began many years prior to enactment of the original Sikes Act in 1960. It relat-

ed primarily to fisheries management programs on military installations.

The 1960 act formalized the then cooperative efforts of the two agencies, and most important, gave Congressional recognition to the significant potential for fish and wildlife management and recreation on Federal lands.

Perhaps even more importantly, the 1974 amendments made the State fish and wildlife agencies important partners in developing and implementing fish and wildlife programs, not only for military land but for the public domain as well. Over 600 million acres of Federal land are covered by the Sikes Act, much of which is valuable fish and wildlife habitat. Utilization of these areas is becoming increasingly important as rising land costs, coupled with decreasing availability of suitable land is making it more difficult to meet all of those demands.

As a former director of the Arizona Game and Fish Department, I believe one of the most significant accomplishments of the act has been the development of a real spirit of cooperation between the involved State and Federal agencies. States have recognized the value of the program and supported it solidly through their own participation and grassroots involvement.

Success of this program has been achieved largely without direct appropriation for the act. The funds used by the Interior Department to implement the program have been derived mainly from base funds under the Service's Resource Management appropriation and from funds appropriated to BLM under FLPMA, Federal Land Policy and Management Act, and the Public Rangelands Improvements Act.

Mr. Chairman, this concludes my statement. I will be happy to try to answer any questions.

Senator GORTON. Thank you.

Mr. Peterson.

STATEMENT OF R. MAX PETERSON

Mr. PETERSON. Thank you, Mr. Chairman. I have my statement. I will try to be brief.

Senator GORTON. Your entire statement will be included in the record.

Mr. PETERSON. Thank you.

Director Jantzen has given a little history of the act. Let me merely say the Department of Agriculture strongly supports cooperative Federal, State planning as contained in the Sikes Act. This coordinated planning and development of the wildlife and fish resources in cooperation with State agencies is mutually beneficial to States and the Federal land management agencies. We strongly endorse this close partnership with the States in the management of these valuable resources. National Forest System lands are located in 42 states. To date, 41 statewide plans have been completed and implemented. Only one plan, New York, remains to be completed.

As Director Jantzen indicated, I personally believe the grassroots type cooperation that is involved in that planning is very important, even though we also have other authority. We technically do not need the reauthorization that is provided by the legislation.

We have no objection to enactment of H.R. 1952. I also will be glad to answer any questions you might have.

Senator GORTON. In 1977, the GAO stated that most progress under the act has been in the negotiation of several cooperative agreements between Federal agencies or between State and Federal agencies rather than the implementation of on-the-ground conservation programs. It looks like that is no longer true and you are doing much better in that respect.

Mr. PETERSON. Beginning with the Organic Act in 1897, which specifically provided for State management of the population of wildlife on National Forest lands, we have had cooperative programs.

It is true that the Sikes Act provided impetus to a redevelopment of those cooperative agreements, particularly as it related to habitat. It is my opinion from having seen operations in many states that we do in fact, have much more realistic plans and more importantly have the commitment of both the states and Federal agencies, as Director Jantzen has indicated.

I think that has been a significant improvement.

Senator GORTON. Thank you. You are to be congratulated.

Finally, Mr. Hayden.

STATEMENT OF WES HAYDEN

Mr. HAYDEN. Thank you, Mr. Chairman.

Speaking for the International Association of Fish and Wildlife agencies, I welcome the opportunity to appear in support of H.R. 1952, the bill you are considering for further reauthorization of the Sikes Act. The purpose of this act is entirely consistent with the objective of our organization in providing for the rehabilitation conservation and balanced management of wildlife resources.

As a consequence, this act has been high on our priority list ever since it was originally enacted in 1960.

In 1968, it took on added importance because it was expanded to encompass public recreation resources.

In 1974, the addition of title II increased its importance still further and made it the only legislation which now provides for such conservation management on virtually all public lands.

It likewise conveys the enforcement authority necessary for such activities and, finally, it provides the means and the opportunity for development of Federal-State initiatives in many facets of the program's operations, including cooperative management projects for which fees may be charged.

With member agencies in each of the 50 States and in several Federal departments, interest in that type of resource conservation and management, the importance and future potential of this program to our organization cannot be overstated.

I would point out that we have no concern with the lack of specific appropriations provisions in this act. We consider the continuation of the authorization much more important than allocation of any direct dollar amount.

In that regard, we are encouraged by the testimony we have heard today from the Fish and Wildlife Service and the Agriculture Department that they have no objection to the enactment of

this bill. We do differ with them as far as the need is concerned. We feel that there is a particular and specific need for continuing the authorization but the fact they are willing to go along with it, even though they don't regard it as necessary, is sufficient for our purpose.

We take a degree of pride in the fact we helped secure an amendment to the House version of this bill addressing a problem that had been hampering program operation to some degree. That amendment provides that the Secretary of Interior and Secretary of Agriculture may negotiate purchases or contracts for property or services with individual States to carry out Sikes Act program purposes without resorting to the competitive bidding requirements of the Federal Properties and Services Act. That is an authority which BLM had sought, had been told it didn't have in adequate form.

We are glad the bill would now provide it.

Permit me now to propose for our association another amendment which, while not directly related to the Sikes program, is entirely consistent with its basic concept and objective. That concerns a requirement in section 12 of the Fish and Wildlife Conservation Act of 1980 that the Fish and Wildlife Service conduct a comprehensive study to determine the most equitable and effective mechanism for funding State conservation plans and actions "out of funds available for administration of this act."

No funding for that purpose has been provided. None is apparently contemplated, and that is a key to future implementation of the legislation. That implementation is stalled in the absence of funding.

Without the restrictive language, we believe the Service would be in a position to undertake and complete the study. The effect of the amendment we propose would be to remove that section 12 language restriction so that the study could proceed. It should be noted that such a solution was discussed recently with Chairman Breaux of the Merchant Marine Fisheries and Wildlife Conservation Subcommittee, and he raised no objection to that approach.

With that addition, we hope you will be disposed to approve the bill and to recommend it to the full committee for approval there and in the Senate.

One further note, Mr. Chairman. This statement was drafted to reflect only the views of our organization. However, the National Wildlife Federation has asked that it be associated with the position that we have taken and with the conclusion we have reached, even though they do intend to submit a supplemental statement for the record. That concludes my summary. I would appreciate it if the entire statement can be included in the record and I thank you for the opportunity of sharing our views with your subcommittee.

Senator GORTON. Your request is granted, and we thank you, Mr. Hayden.

Mr. Jantzen, do you have any initial reaction to that proposed amendment to section 12?

Mr. JANTZEN. Mr. Chairman, not at this time. I will have to take a look at that.

Senator GORTON. Would you do that and would you communicate with the subcommittee as promptly as you can the attitude of the Service?

Mr. JANTZEN. I will be happy to do so, sir.

Senator GORTON. We do have a number of questions for the record which will be submitted to each one of you. The answers in writing would be appreciated.

With that, we thank all of you for coming and for helping us in connection with this reauthorization. The meeting is adjourned.

[Whereupon, at 11:54 a.m., the subcommittee recessed to reconvene at the call of the chair.]

[Statements submitted for the record, responses to written questions, and H.R. 1952 follow:]

93-692 O—82——2

STATEMENT OF ROBERT A. JANTZEN, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, ON H.R. 1952, THE SIKES ACT EXTENSION, ON FEBRUARY 8, 1982.

Mr. Chairman, I appreciate the opportunity to testify on H.R. 1952, which would extend the authorization for appropriations under the Sikes Act. We do not object to an extension of the expiring authorization, but believe it is unnecessary because we have other existing authorities under which funds can be made available for this purpose.

Title I of the Sikes Act authorizes the Service to assist the Department of the Defense in planning, developing, maintaining and coordinating fish and wildlife restoration, rehabilitation and public recreation programs on military reservations. Such programs are to be carried out in accordance with a cooperative plan mutually agreed upon by the Defense installation commander, the appropriate State conservation agency and the Service. Similarly, Title II of the law authorizes the development of conservation and rehabilitation programs on lands administered by the Department of Energy (DOE), the National Aeronautics and Space Administration (NASA), Forest Service (FS) and Bureau of Land Management (BLM).

The Service's work with the Department of Defense (DOD) began many years prior to enactment of the original Sikes Act in 1960. Primarily this work related to fisheries management programs on military installations. The Service responded to requests from installation commanders interested in developing a source of recreational fishing on their bases. We provided technical assistance, conducted basic

surveys, developed management plans, and provided fish from our Federal hatcheries for stocking ponds, lakes and streams on military lands.

The 1960 Act formalized the cooperative efforts of the two agencies, and most important, gave Congressional recognition to the significant potential for fish and wildlife management and recreation on Federal lands.

A few examples convey an idea of some of the important habitat values of these lands. Excellent waterfowl habitat is being protected on Bloodsworth Island in the Chesapeake Bay by the Patuxent River Naval Air Station. The military installations along the lower California coast, Imperial Beach Naval Air Station, Camp Pendleton, and Point Mugu Naval Air Station, contain important nesting areas for the California least tern and the light-footed clapper rail, both endangered. Extensive efforts have been expended with military personnel to protect habitat of the endangered red-cockaded woodpecker at Eglin Air Force Base, Florida, at Ft. Bragg, North Carolina, and at Camp Lejeune, North Carolina. The Okaloosa darter, an endangered fish, is found only in five small streams originating on Eglin. The endangered Mohave chub has been stocked in ponds on the China Lake Naval Ordnance Test Station, California to diversify the habitat of this species and insure its protection. I have included as an appendix to my testimony examples of some of the threatened and endangered species found on or adjacent to military lands.

To give an example of the recreational opportunities which are being provided locally, on Quantico Marine Base some 53,000 acres of land are being managed for

fish and wildlife compatible with the military mission. On these lands approximately 17,631 days of hunting and 4,957 days of fishing are being provided each year.

Nationwide, in fiscal years 1979 and 1980 fisheries assistance was provided to 130-140 military installations. This involved assessing the fishery potential of base resources, developing fishery management plans and providing information and assistance on fishery management activities. Each year over 1.4 million fish (about 186,000 lbs.), including both warmwater and coldwater species, were stocked in some 30,000 acres of impoundments and in approximately 600 miles of streams. More than 1.4 million angler days of fishing were realized each year from ponds, lakes and streams on installations receiving fishery assistance. Using standard valuation methodology, this level of fishing on military installations was worth about $14 million annually.

Opportunities for nature photography, wildlife observation, hiking and other recreational pursuits have also been provided. In fiscal year 1980 the Service provided 5.4 man-years of wildlife assistance to Department of Defense installations, involving a total of 257 projects. Projects were quite variable and included activities such as endangered species surveys on Vandenberg Air Force Base, Camp Pendleton, and Miramas Naval Air Station, California, and white-tail deer management on Ft. Campbell and Ft. Knox in Kentucky. Cooperative agreements with Loring Air Force Base, Maine, and Pease Air Force Base, New Hampsire, were reviewed and updated. In all, we currently have agreements in effect with some 240 individual installations from Maine to California providing for fish and wildlife conservation programs on over 19 million acres of land.

We have also provided technical assistance to NASA and DOE under Title II of the Sikes Act. In September 1976, the Department of the Interior and the National Aeronautics and Space Administration signed a Memorandum of Understanding concerning conservation of fish and wildlife resources on NASA lands. The agency indicated at that time that their initial priorities were to locate areas where wildlife conservation and rehabilitation programs would prove rewarding to our respective agencies and the public. We have completed a preliminary review of NASA installations, which identified about 418,000 acres that met that criteria. Some of this land is already being managed for fish and wildlife, such as the Merritt Island National Wildlife Refuge on the Kennedy Space Center in Florida. A broad Memorandum of Understanding has also been signed between Interior and the Department of Energy covering some 2.1 million acres of public land.

The Bureau of Land Management has had a significant role in implementing Title II. Cooperative agreements with 15 State wildlife agencies have been executed and have resulted in close working relationships. Joint BLM-State wildlife agency habitat management plans have been developed and implemented. At the end of Fiscal Year 1981, BLM had prepared 194 Sikes Act Habitat Managment Plans (HMPs). These HMPs address on-the-ground habitat improvements, maintenance, and protection actions for over 1,600 miles of stream, and 32.8 million acres of public land, habitat. Total funds expended to date on Sikes Act HMPs exceed $11.6 million, or 32% of the total estimated $36 million required to fully implement them. State agencies have contributed at least $620,000. The BLM wildlife program has been integrated with the Bureau's planning system, and with its environmental assessment and public participation processes. On-the-ground wildlife habitat improvement and maintenance programs have also been

implemented. Colorado, Arizona, Nevada, Idaho, Utah and Oregon have implemented about 120 Sikes Act habitat management plans covering over 17 million acres of public land managed by BLM.

As a whole, the agencies which implement the Sikes Act have jurisdiction over 600 million acres of land, much of which is valuable habitat for fish and wildlife, including threatened and endangered species. Recreational opportunities also exist on much of this area. Increasing acquisition costs, coupled with decreasing availability of suitable lands, are making it more difficult to meet fish and wildlife habitat needs and the demand for quality recreational and hunting and fish opportunities. Through tri-way fish and wildlife management agreements among the Service, the Federal land manager and the State fish and wildlife agency, the Federal government is assisting the States in fulfilling public demands for fishing, hunting and other types of recreation that the State otherwise may not be able to meet.

Perhaps the most significant accomplishment of the Act has been the cooperative spirit that has developed between the involved State and Federal agencies. Simply put, the States have recognized the value and accomplishments of the program and have supported it solidly through their own participation and "grass roots" constituency support.

The success of this program has been achieved almost entirely without direct appropriations for the Sikes Act. Funds used by the Department to implement the Act have been derived mainly from base funds under the Service's Resource Management appropriation and from funds appropriated to BLM under the Federal

Land Policy and Management Act (FLPMA) and the Public Rangelands Improvement Act (PRIA).

In the more than two decades that the Service has been conducting technical assistance under the authority of the Sikes Act, we have requested a specific authorization for this purpose only twice -- in 1980 and 1981. We did not request, and Congress did not appropriate, any funds for technical assistance in FY 1982. We are, however, now discussing with the Defense Department the possibility of receiving reimbursement in the future for assistance that we provide them. Some installations are already providing reimbursement on an individual basis.

As you know, the Sikes Act contains four specific appropriation authorizations, all of which expired at the end of fiscal year 1981. H.R. 1952 would extend these authorizations for three fiscal years. We do not object to enactment of H.R. 1952. The Fish and Wildlife Service, however, has existing appropriations authority for Sikes Act activities under the Fish and Wildlife Act of 1956 and the Endangered Species Act. Similarly, FLPMA and PRIA provide such authority for BLM. Therefore, we believe that a specific Sikes Act authorization is duplicative and unnecessary, and we will not need to use it.

H.R. 1952 also contains several provisions which are intended to improve the Act's administration. Section 1 requires that any cooperative plans developed for military reservations under Title I provide habitat improvement and protection for endangered and threatened species. As I mentioned earlier, these types of activities are already being carried out, and so we have no objection to the inclusion of this language in the bill. We also do not object to provisions which

clarify the status of Sikes Act cooperative agreements with respect to the Federal Grant and Cooperative Agreement Act of 1977 and which exempt Department of Interior and Agriculture contracts with State agencies under the Act from the Federal Property and Administrative Services Act. We understand that these clarifications would be helpful to BLM and the Forest Service.

Mr. Chairman, this concludes my prepared testimony. I would be pleased to answer any questions you may have.

EXAMPLES OF ENDANGERED AND THREATENED SPECIES ON OR ADJACENT TO MILITARY LANDS

Mammals	Birds	Reptiles	Fishes
Indianan Bat	Brown Pelican	American Alligator	Okalossa Darter
Florida Manatee	Bachman's Warbler	Blunt-Nosed Leopard Lizard	Tecopa Pupfish
Red Wolf	Red Cockaded Woodpecker	Eastern Indigo Snake	Shortnose Sturgeon
Delmarva Peninsular Fox Squirrel	Peregrine Falcon	Sea Turtles	
Eastern Timber Wolf	Whooping Crane		
Sea Otter	Eskimo Curlew		
Northern Fur Seal	Bald Eagle		
Columbia White-Tail Deer	California Clapper Rail		
Harbor Porpoise	Kirtland's Warbler		
Spotted Dolphin	Aleutian Canada Goose		
	Least Tern		
	Attwater Prairie Chicken		

ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

APR 1 0 1982

Honorable John H. Chafee
Chairman
Subcommittee on Environmental Pollution
Senate Committee on Environment and
Public Works
Washington, D.C. 20510

Dear Mr. Chairman:

Attached are responses to questions submitted to me by your office after the February 8, 1982 hearing by the Subcommittee on H.R. 1952, the Sikes Act Extension. Please contact me if I may be of further assistance.

Sincerely,

Robert A. Jantzen
DIRECTOR

Attachment

1. **QUESTION:** Have any factors, other than lack of funds and personnel, hindered implementation of the Sikes Act?

   ANSWER: No. Funds and personnel for the Sikes Act have been necessarily limited due to the need to fund priority programs within the Service. Even with these limitations, however, the cooperative efforts that have taken place between the States, DOD and the Service have resulted in wise management and use of significant fish and wildlife resources on many military installations. Many opportunities for fishing, hunting and other fish and wildlife oriented activities have been provided to military personnel and their dependents and to the general public. Such opportunities are becoming increasingly important as fish and wildlife agencies at both the State and Federal level are looking toward improving management of existing habitat, as opposed to acquiring new habitat.

2. **QUESTION:** Does H.R. 1952 provide adequate authority to use sources of funds, other than specific Sikes Act funds, to carry out the Sikes Act programs?

   ANSWER: The language of H.R. 1952 clarifies and reinforces the authority that the Service has under other laws, such as the Fish and Wildlife Act of 1956, to request funds for the implementation of cooperative fish and wildlife management programs under the Sikes Act. As we indicated in our testimony, the Service has requested specific Sikes Act funds only twice, in FY 1980 and 1981. In other years we have used funds provided under our general Resource Management appropriation.

3. **QUESTION:** On page 6 of Mr. Jantzen's testimony, you refer to the possibility of the Service receiving reimbursement from the Defense Department for technical assistance. Would a specific statutory provision for reimbursement be necessary or helpful?

   ANSWER: In the past we have used our own funds to undertake Sikes Act work, although we feel that it could also be accomplished on a reimbursable basis under existing authority. Thus, a specific amendment permitting us to receive reimbursement is not necessary. However, we defer to the Department of Defense concerning whether an amendment authorizing them to provide reimbursement would be helpful.

   H.R. 1952 does raise another question relating to reimburement, however. Congress has recently provided further direction concerning our implementation of all technical assistance programs. In its report on the FY 1981 appropriations bill for Interior and Related Agencies (Senate Rept. 96-985), the Senate Appropriations Committee indicated that such assistance should be reimbursed by the benefiting agency. Specifically, the Committee stated, "Necessary surveys and inventories should be financed from base funds budgeted for management assistance to other Federal agencies. The Committee believes such assistance should be reimbursed by benefiting

agencies which already budget for fish and wildlife management." As a result of this language, the Service has established a general policy to provide technical assistance only on a reimbursable basis. It is unclear whether H.R. 1952 is intended to affect the directive of the Appropriation Committee and our resulting policy concerning reimbursement. A clarification of this point would be helpful.

4. QUESTION: Is the amendment in section 4 of H.R. 1952, clarifying the relationship between the Sikes Act and the Federal Grant and Cooperative Agreement Act, useful?

ANSWER: While the FWS has had no problems in the past in this area, we understand the amendment would be helpful to the Bureau of Land Management. At the present time, there is confusion between the interpretation of "cooperative agreements" as used in the Sikes Act and "cooperative agreements" as a form of assistance specified by the Federal Grant and Cooperative Agreement Act. The wording of H.R. 1952 would eliminate this confusion and facilitate future Sikes Act activities and BLM-State agency cooperation. To the extent this language would eliminate future problems that the Service might encounter with any new cooperative agreements, it would be helpful.

5. Question: Is the amendment in section 5 of H.R. 1952, regarding Title III of the Federal Property and Administrative Services Act of 1949, useful?

ANSWER: The Service normally provides only technical assistance and consequently is little impacted by provisions of Title III of the Federal Property and Administrative Service Act of 1949. Again, we understand this amendment is primarily intended to help the Bureau of Land Management. It would permit streamlining and enhance cost efficiency and effectiveness during procurement negotiations and awards between BLM and State agencies for cooperative Sikes Act tasks.

Senator Gorton also asked for the Service's position concerning an amendment to section 12 of the Fish and Wildlife Conservation Act of 1980 (P.L. 96-366) which was discussed by the International Association of Fish and Wildlife Agencies at the hearing. Section 12 directs the Service to conduct a study to evaluate alternative sources of funds for state plans and actions conducted under the Act. The study is to be completed by March, 1983 (30 months after enactment of P.L. 96-366) and is to be financed with funds appropriated for administration of the Act. The IAFWA recommended lifting the restriction on source of funds for the study, since there have been no appropriations under the Act yet, and since the prospect for future funding is uncertain.

We would support such an amendment, provided it did not result in the circumvention of the regular budget process. It would be helpful for us to have the discretion to use other funds, such as those available for the administration of the Pittman-Robertson and Dingell Johnson programs, for the study. We would object, however, to being required to conduct the study with funds which would normally be used for higher priority programs within the Service.

Additionally, we recommend that the final date for the study be extended to December 31, 1984, since it has not yet been initiated, and we anticipate that it will take between 24-30 months to complete.

STATEMENT OF
R. MAX PETERSON, CHIEF, FOREST SERVICE,
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the Subcommittee on Environmental Pollution
Committee on Environment and Public Works
United States Senate

On H.R. 1952, To Extend the Appropriation Authorizations in the Sikes Act (P.L. 93-452).

February 8, 1982

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I appreciate the opportunity to participate in this hearing on the House passed bill, H.R. 1952, a bill to extend the appropriation authorizations in the Sikes Act to include fiscal years 1982, 1983, and 1984 for carrying out wildlife conservation programs on military reservations and public lands and other perfecting amendments to the Sikes Act. Although we believe the reauthorization is unnecessary because we have other authorities under which funds are available for these purposes, we have no objection to enactment of H.R. 1952.

The Department of Agriculture strongly supports the concept of cooperative Federal/State planning contained in the Sikes Act. The coordinated planning and development of the wildlife and fish resources in cooperation with State agencies is mutually beneficial to the States and the Federal land management agencies. We strongly endorse a close partnership with the States in the management of these valuable resources. National Forest System lands are located in 42 States. To date, 41 statewide plans have been completed and implemented. Only one plan, New York, remains to be completed.

The Sikes Act provides emphasis on cooperative planning for the management of wildlife and fish resources and supplements other authorities for the management of the fish and wildlife resources on National Forest System lands.

We note that H.R. 1952, in adding a new subsection (d) to section 106, recognizes the interrelationship of the Sikes Act and other authorities for fish and wildlife management.

Our overall wildlife and fish programs are being implemented in the context of the 1980 RPA Program developed in response to the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended. There is no statutory limit on the amount of funds that may be appropriated for the wildlife and fish management portion of that program. The RPA program provides for cooperation with States, coordination with other resources, direct habitat improvement, and protection of endangered species.

Based on the $41.7 million funding level for FY 1981, we were able to budget about $21 million toward financing on-the-ground habitat improvement projects identified in the comprehensive plans. In FY 1982 with a total funding level at $42.5 million, we are budgeting about $19 million for habitat improvement projects on the ground.

Since we have broad authority, we have used that broad authorization rather than the Sikes Act. We find it difficult to separate those portions of the total wildlife and fish program which would be included under the Sikes Act, from those covered under our broad authority. We believe it is appropriate to continue to include the Sikes Act concepts and objectives within our overall fish and wildlife program as contained in the RPA Program and utilize broad appropriation authority. Thus we support the provision of H.R. 1952 that does not set a specific appropriation authorization level.

Mr. Chairman and members of the Committee, that concludes my prepared statement. I will be happy to respond to any questions you may have.

STATEMENT OF WES HAYDEN, LEGISLATIVE COUNSEL, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES, TO THE SENATE ENVIRONMENTAL POLLUTION SUBCOMMITTEE ON HR 1952 PROPOSING REAUTHORIZATION OF THE SIKES ACT, February 8, 1982

Mr. Chairman, speaking for the International Association of Fish and Wildlife Agencies, I welcome the opportunity to appear in support of HR 1952, the bill you are considering for further reauthorization of the Sikes Act.

Designed to provide for conservation and rehabilitation of fish and wildlife resources on public lands, the program initiated under this legislation has a special pertinence for this organization because of our commitment to the objective of balanced and effective management of animal and plant life. As a consequence, it has been high on our priority list since its inception in 1960, even though it initially was limited to covered activities on military reservations.

Its significance and importance from our viewpoint was further enhanced in 1968 with an amendment broadening its scope to include public recreation resources, and still more in 1974 with addition of Title II to the Act encompassing public holdings managed by the Bureau of Land Management and the U.S. Forest Service and, subject to agency approval, lands under jurisdiction of the Atomic Energy Commission (now the Department of Energy) and the National Aeronautics and Space Administration.

In combination, the agencies now covered by the program control more than 600 million acres of Federal property, affording irreplaceable fish and wildlife habitat and including refuge for a very sizeable number of endangered or threatened species.

To put the matter in proper perspective it should be stressed, first of all, that the Sikes Act is the only legislation providing general authority for conservation and management of fish and wildlife resources on virtually all federal lands.

That authority, it should be noted, also confers the enforcement powers necessary for its effective application.

That has provided both the means and the opportunity for development of federal-state initiatives in many facets of the program's operations, including cooperative management of projects for which fees may be charged.

With member agencies in each of the 50 states and in several federal departments with a direct interest in that type of resource conservation and management, the present importance and future potential of such a program to our organization cannot be over-stated.

If true before, it is even more so now in a time when fiscal problems are accelerating the shift of responsibility for more and more programs to the state level.

This is one area in which those states and the federal government can continue to work together in harmony in a highly productive effort serving a mutual and worthwhile objective.

It is for those and other compelling reasons, which I am confident that other testimony here today will sustain, that our Association so strongly supports the reauthorization proposal before you today, as we did in the form in which it was reported from the House Merchant Marine and Fisheries Committee.

We are satisfied with the limitation of funding provisions to such money as may be necessary, without a specific appropriation, because we regard continued authorization as far more important than a designated dollar figure. We are persuaded that the provision for use of other money not directly earmarked for the Sikes objective, but made available for those authorized purposes, will provide the required level of support to keep the program operating.

And we take a certain degree of pride in having helped secure an amendment in the House committee resolving a problem that had been hampering program operation to some degree.

That amendment provides that the Secretary of Interior and the Secretary of Agriculture may make purchases or contract for property and services with a State to carry out Sikes Act program purposes without resorting to the competitive bidding requirements of the Federal Properties and Services Act--an authority which BLM had sought to exercise but had been advised it did not have.

Permit me now to propose for the Association another amendment which, while not directly related to the Sikes program, is entirely consistent with its basic concept and objective.

It concerns a requirement in Section 12 of the Fish and Wildlife Conservation Act of 1980 that the Fish and Wildlife Service conduct a comprehensive study to determine the most equitable and effective mechanism for funding state conservation plans and actions "out of funds available for administration of this Act."

No funding has been approved so the study, a key to future implementation of the legislation, is stalled.

Without that restrictive language, we believe the Service would be in a position to undertake and complete the study.

Effect of the amendment we propose would be to remove that Section 12 language restriction so the study could proceed.

It should be noted that such a solution was discussed recently with Chairman John Breaux of the Merchant Marine Fisheries and Wildlife Conservation Subcommittee and he raised no objection to that approach.

With that addition, which we hope you will find acceptable, we urge your Subcommittee's approval of HR 1952 and a favorable report to the full Environment and Public Works Committee with recommendation for adoption there and in the Senate.

Thank you for your attention to our views on this issue.

II

97TH CONGRESS
1ST SESSION

H. R. 1952

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 9), 1981

Read twice and referred to the Committee on Environment and Public Works

AN ACT

Authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Act of September 15, 1960 (commonly known as the Sikes Act, 16 U.S.C. 670a) is amended—

(1) by amending the second sentence thereof—

(A) by striking out "and (3)" and inserting in lieu thereof "(3)"; and

(B) by inserting immediately before the period the following: ", and (4) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered"; and

(2) by adding at the end thereof the following new sentence: "Cooperative plans agreed to under the authority of this section and section 102 shall not be deemed to be, nor treated as, cooperative agreements to which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.".

SEC. 2. Section 106 of the Sikes Act (16 U.S.C. 670f) is amended—

(1) by inserting "and not to exceed such sums as may be necessary for each of fiscal years 1982, 1983, and 1984," immediately after "September 30, 1981," in each of subsections (b) and (c); and

(2) by adding at the end thereof the following new subsection:

"(d) The Secretary of Defense and the Secretary of the Interior may each use any authority available to him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this title.".

SEC. 3. The second sentence of section 201 of the Sikes Act (16 U.S.C. 670g) is amended by inserting "of fish, wildlife, and plants" immediately after "species".

SEC. 4. Section 202 of the Sikes Act (16 U.S.C. 670h) is amended by adding at the end thereof the following new subsection:

"(d) Agreements entered into by State agencies under the authority of this section shall not be deemed to be, or treated as, cooperative agreements to which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.".

SEC. 5. Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) by inserting "and not to exceed such sums as may be necessary for each of fiscal years 1982, 1983, and 1984," immediately after "September 30, 1981," in each of subsections (a) and (b); and

(2) by adding at the end thereof the following new subsections:

"(c) The Secretary of the Interior and the Secretary of Agriculture may each use any authority available to him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this title.

"(d) The Secretary of the Interior and the Secretary of Agriculture may each make purchases and contracts for property and services from, or provide assistance to, the State agencies concerned, if such property, services or assistance is required to implement those projects and programs carried out on, or of benefit to, Federal lands and identified in the comprehensive plans or cooperative agreements developed under section 202, without regard to title III (other than section 304) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251–260). Contract authority provided in this section is effective only to such extent or in such amounts as are provided in appropriation Acts.".

Passed the House of Representatives September 21, 1981.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By W. RAYMOND COLLEY,
Deputy Clerk.

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